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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------|------------------|
| 10/088,754 | 03/20/2002 | Thomas Huerland | GRAT | 8805 |
| 26304 | 7590 | 01/28/2004 | 19.511(100717-00054) | |
| KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585 | | | EXAMINER BROWN, MICHAEL A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3764 | |
| | | | DATE MAILED: 01/28/2004 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,754

Applicant(s)

Thornes Hurland et al

Examiner

Michael Brown

Group/Art Unit

3264

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-9 is/are pending in the application.
Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-9 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 5
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai in view of Ochiai .

Ochiai discloses in figures 1-11 a balloon, substantially as claimed. However, Ochiai does not disclose what the cone angle is, what the diameter of the crown region in its inflated state or the length of the crown region. Ochiai teaches in figure 11 the balloon being inflated to different shapes and sizes. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the balloon disclosed by Ochiai could be inflated to the same cone angle, the cone region having the same diameter and the crown region having the same length as recited in the claims of the present invention because Ochiai teaches being able to inflate the balloon to different shapes and sizes.

Claims 4 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Hammersen DE '197.

Hammersen teaches in figure 2 a balloon comprising a wall that is thicker at its out side (the lower end) than in the central region (the application region). The balloon

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has a waist region (adjacent the central region). It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the balloon disclosed by Ochiai could be fabricated with a wall thickness that is greater at the outside than in the application region as taught by Hammersen in order to use the additional thickness to provide additional support on the lower end of the balloon. Note, Ochiai teaches a cylindrical shape in figure 11.

Conclusion

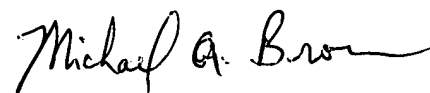
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. No additional prior art was cited or found during the initial search.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brown whose telephone number is 703-308-2682. The examiner can normally be reached on 5:30 am-4:00 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 703-308-2698. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

M. Brown
January 23, 2004



MICHAEL A. BROWN
PRIMARY EXAMINER